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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 08/935,865      | 09/23/1997  | ROBERT C. L. DAY     |                     | 9122             |

7590 10/08/2003

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EXAMINER

NGHIEM, MICHAEL P

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2863

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

08/935,865

Applicant(s)

DAY ET AL.

Examiner

Michael P Nghiem

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,10-30 and 32-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4-6,10-30 and 36-43 is/are allowed.
- 6) ☒ Claim(s) 32-35 and 44-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

The Amendment filed on July 10, 2003 has been acknowledged.

### ***Claim Objections***

1. Claims 45-47 and 49 are objected to because of the following informalities:

- claims 45-47, "the first reel" lacks antecedent basis.
- claim 49, "trasnparent" should be – transparent --.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 32, 33, and 44-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Kiyoshi (JP 06-024113).

Art Unit: 2863

Kiyoshi teaches all the claimed invention including:

- a cassette (1) for use in a printing apparatus (claim 1, line 4) comprising:

- a housing (housing of 1) in which a reel (3, 4) holding a supply of ink ribbon is arranged (Fig. 3), said reel being rotatable with respect to said housing (Fig. 3) and having a plurality of markings (5, 11, 12, 13) thereon (Detailed Description, paragraph 0008), said housing being arranged so that said markings are detectable by detecting means (20) external to said cassette (Fig. 6) to provide information relating to the rotation of said reel (Abstract, line 4);

- said reel supports a supply of unused ink ribbon or a supply of ink ribbon which has been used (3, 4, Fig. 3);

- rotation of the reel moves at least one marking (5) into and out of a detection area (Fig. 4),

- the tape is image-receiving tape (Fig. 2) and the reel supports a supply of unused image-receiving tape (3, 4, Fig. 3).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2863

Claims 34, 35, 48, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiyoshi in view of Gunther et al. (US 5,821,975).

Kiyoshi discloses all the claimed features of the invention except that said housing comprising an opening or a substantially transparent material.

Nevertheless, Gunther et al. discloses a housing (Fig. 1a) comprising an opening (21a) or a substantially transparent material (21a must be transparent in order for the marking to be optically read) for the purpose of optically reading a marking (Abstract, line 12, Fig. 1a).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide Kiyoshi with a housing comprising an opening or transparent material as disclosed by Gunther et al. for the purpose of of optically reading a marking.

***Allowable Subject Matter***

4. Claims 1, 2, 4-6, 10-30, and 36-43 are allowed.

***Response to Arguments***

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

**Contact Information**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703) 306-3445. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached at (703) 308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

0956.



**MICHAEL NGHIEM  
PRIMARY EXAMINER**

Michael Nghiem

September 29, 2003